

#4
ND3
9-28-01

Attorney's Docket No. PA-5259-RFB

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____
(Inventor(s))

for _____
(Title of invention)

the specification of which is being transmitted herewith

OR

In re application of: Boatman et al.

Customer No.: 9896

Serial No.: 09/848,742

Group No.: 3763

Filed: May 3, 3001

Examiner: Not Assigned

For: MEDICAL DEVICE INCLUDING UNITARY, CONTINUOUS PORTION OF VARYING
DUROMETER

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 CFR 1.56(a).

"INDIVIDUALS ASSOCIATED WITH THE FILING OR PROSECUTION OF A PATENT APPLICATION WITHIN THE MEANING OF THIS SECTION ARE:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 CFR 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[X] deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

37 CFR 1.8(a)

37 CFR 1.10

[] with sufficient postage as first class mail.

[X] as "Express Mail Post Office to Addressee",
Mailing Label No. EL523753413US

TRANSMISSION

[] transmitted by facsimile to the Patent and Trademark Office.

Date: August 17, 2001

Signature

Grace Lewis
(Type or print name of person certifying)

(Information Disclosure Statement [6-1] -- Page 1 of 9)

RECEIVED
AUG 21 2001
MAIL ROOM

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(Check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Form PTO-1449 (Modified)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(Complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications, or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 CFR 1.98(a)(2) requires that any information disclosure statement filed under S 1.97 shall include: "A legible copy of: (1) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included ... "

NOTE: The wording in S 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

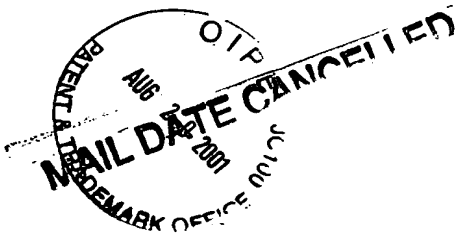
Legible copies of all items listed in Form PTO-1449 accompany this information statement.

(Complete the following, if applicable)

☐ Exception(s) to above:

☐ Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.



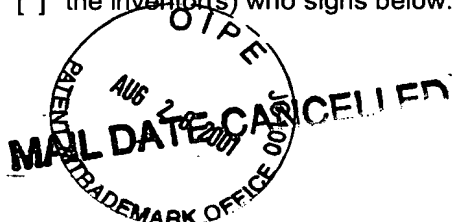
RECEIVED
AUG 21 2001
TC 3700 MAIL ROOM

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this statement is:

(Check each applicable item (a) and (b))

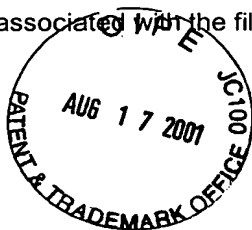
(a) ☐ the inventor(s) who signs below.



SIGNATURE OF INVENTOR

(Type or print name of inventor)

(b) ☐ an individual associated with the filing and prosecution of this application (37 CFR 1.56(c)).



SIGNATURE OF ASSOCIATED INDIVIDUAL

(Type or print name of individual)

(c) ☒ the attorney who signs below on the basis of the information:

(check each applicable item)

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application.
(37 CFR 1.56(c))

☒ in the attorney's file.

Date: August 17, 2001

Reg. No.: 28,453

Tel. No.: (812) 330-1824

Anton P. Ness
SIGNATURE OF AGENT/ATTORNEY

Anton P. Ness
(Type or print name of agent/attorney)

P.O. Box 2269
P.O. Address

Bloomington, IN 47402-2269

RECEIVED
AUG 21 2001
TC 3100 MAIL ROOM